

5.08 Appeals Process

5.08.1 Intent. To provide legal remedy processes for those aggrieved by decisions made in compliance of these Regulations.

5.08.2 Appeals to the Board of Adjustment (BOA). Pursuant to MCA §76-2-227, those aggrieved by Zoning Enforcement Agent's and/ or Code Compliance Specialist's decisions may submit written appeals specifying grounds thereof to the BOA. Appeals must be filed within thirty (30) days of the Zoning Enforcement Agent's and/ or Code Compliance Specialist's written decision, and be accompanied by the appropriate fee. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Agent and/ or Code Compliance Specialist determines that a stay could cause imminent peril to life or property.

Upon receipt of a written appeal, a public hearing shall be scheduled before the BOA for its next available meeting date. Notice of the hearing shall be published once in a newspaper of general circulation at least twenty-five (25) days prior to the public hearing. The BOA will accept testimony at the hearing from persons interested in the appeal, the appellant and/ or their attorney, and the Zoning Enforcement Agent and/ or Code Compliance Specialist.

5.08.3 Process and Notice. Upon receipt of the written appeal, a public hearing shall be scheduled before the BOA for its next available meeting date. Notice of the public hearing shall be published once in a newspaper of general circulation at least fifteen (15) days prior to the hearing. The BOA shall accept testimony at the hearing from persons interested in the appeal, the appellant and/ or their attorney, and the Zoning Enforcement Agent and/ or Code Compliance Specialist.

5.08.4 Board of Adjustment Appeals to District Court. Pursuant to MCA §76-2-227, those aggrieved by the BOA's decisions may present to the Eighteenth Judicial District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after filing the BOA's minutes or decision in the Planning Department.

5.08.5 Board of County Commission Appeals to District Court. Those aggrieved by a decision made by the County Commission may present to the Eighteenth Judicial District Court a petition, duly verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days of a decision made by a County Commission at a public hearing.